



INDIANA UTILITY REGULATORY COMMISSION  
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**PETITION OF PSI ENERGY, INC. FOR AUTHORITY TO  
INCREASE ITS RATES AND CHARGES FOR ELECTRIC  
SERVICE; FOR APPROVAL OF NEW SCHEDULES  
OF RATES AND CHARGES AND OF RULES AND  
REGULATIONS APPLICABLE TO SUCH RATES AND  
CHARGES; FOR THE AUTHORITY TO REFLECT ITS  
QUALIFIED POLLUTION CONTROL PROPERTY AND  
OTHER NEW PLANT AND EQUIPMENT IN ITS RATES  
AND CHARGES; FOR APPROVAL OF ITS IMPLEMEN-  
TATION OF THE FEDERAL ENERGY REGULATORY  
COMMISSION'S SEVEN-FACTOR TEST; FOR APPROVAL  
OF VARIOUS RATE TRACKING MECHANISMS,  
INCLUDING A PROPOSED MIDWEST INDEPENDENT  
TRANSMISSION SYSTEM OPERATOR MANAGEMENT  
COST ADJUSTMENT RIDER AND CONTINUED USE OF  
A PURCHASED POWER TRACKING MECHANISM; AND  
FOR APPROVAL OF RELATED ACCOUNTING TREAT-  
MENT AND DEPRECIATION RATES AND OTHER  
ACCOUNTING RELIEF RELATIVE TO ITS BUSINESS**

**FILED**

**'APR 01 2003**

INDIANA UTILITY  
REGULATORY COMMISSION

**CAUSE NO. 42359**

You are hereby notified that on this date the Indiana Utility Regulatory Commission ("Commission") caused the following entry to be made in this Cause:

In its Petition, filed in this matter on December 30, 2002, PSI Energy, Inc., ("PSI" or "Petitioner") indicated that it intended to comply with the Minimum Standard Filing Requirements ("MSFRs") contained in 170 IAC 1-5-1 *et. seq.* Pursuant to 170 IAC 1-5-3, if a utility believes that any information to be submitted under the MSFRs should be afforded confidential treatment the utility shall apply for a finding by the Commission that such information is confidential.

On March 18, 2003, PSI filed a *Motion for Protection of Confidential and Proprietary Information* ("Motion") in this Cause. In its Motion, the Petitioner requests that the Commission issue a Protective Order which prohibits the public disclosure of certain confidential information ("Confidential Information") to be submitted by PSI in this Cause. In support of its Motion, PSI attached the affidavit ("Affidavit") of Mr. Douglas F Esamann, President of PSI Energy, Inc., which describes the nature of the Confidential Information and the efforts PSI has made to maintain the confidentiality of the information that it intends to submit in this matter.

In his Affidavit, Mr. Esamann describes three general areas in which PSI requests a preliminary finding of confidentiality. First, Mr. Esamann indicates that PSI may include additional information, as part of responses that are to be submitted under the MSFRs that include confidential information, and requests that such information be exempted from public disclosure on a preliminary

basis. Specifically, Mr. Esamann indicates that the following MSFRs will require the submittal of confidential information: 170 IAC 1-5-7(8) and 170 IAC 1-5-10(3) (detailed budget information); 170 IAC 1-5-8(9) and (12) (details of electricity purchases); 170 IAC 1-5-8(10) and 170 IAC 1-5-12(3)(electric generating unit costs identified by generating unit); 170 IAC 1-5-8(11) (maintenance budget and schedules); 170 IAC 1-5-9(4)(qualified pollution control property cost estimates); 170 IAC 1-5-14(3)(Board of Directors' minutes); 170 IAC 1-5-14(4)(internal audit reports); 170 IAC 1-5-14(5)(details of gas supply, purchased electricity, coal, transportation and rail contracts); and other confidential information related to MSFRs that has not yet been identified by PSI.

Second, Mr. Esamann indicates that PSI believes that certain information filed in its testimony and exhibits may contain confidential trade secrets, and requests confidential treatment be afforded to this information on a preliminary basis. Mr. Esamann states that PSI expects to file information regarding the following: Financial, power, fuel and emission allowance forecasts; specific NO<sub>x</sub> Compliance Plan project costs; confidential Integrated Resource Plan ("IRP") information; production and delivery cost information; power purchase and sales information; and employee compensation reports.

Third, Mr. Esamann requests that confidential trade secrets, included in Data Request Responses, submitted in this matter, and identified by PSI as confidential, be found to be confidential on a preliminary basis.<sup>1</sup> PSI anticipates that may be necessary to submit the following type of information in response to data requests: Hourly purchased power and sales data; financial, power, and fuel and emission allowance forecasts; inputs into IRP and production costing models; PROMOD IV<sup>®</sup> runs; purchased power and other contracts; production and delivery cost information; information about scheduled generating unit outages; specific details of injury and damage claims; and, employee compensation information.

The Presiding Officers, having reviewed the information contained in the Petitioner's Motion and Affidavit, find that there is a sufficient basis for a preliminary finding that confidential procedures are appropriate and should be followed concerning the Confidential Information identified by Mr. Esamann in his Affidavit. Accordingly, the Petitioner should *hand deliver* to the Presiding Administrative Law Judge the Confidential Information and unredacted versions of any testimony or exhibits submitted in this Cause, under seal and marked as confidential, and such information shall be treated as confidential on a preliminary basis, in accordance with IC § 5-14-3-4.<sup>2</sup>

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<sup>1</sup> The Commission's February 27, 2003, Prehearing Conference Order requires PSI to provide responses to discovery requests to the Commission.

<sup>2</sup> The determinations set forth in this Docket Entry apply to all Parties that wish to submit the Confidential Information to the Commission. Any Party that intends to include the Confidential Information referenced in this Docket Entry as part of their testimony or exhibits in this Cause, should file a separate notice in which it advises the Commission that it intends to submit such information, and that the Confidential Information has been afforded confidential treatment on a preliminary basis by the Presiding Officers in this Docket Entry. The Confidential Information should then be provided to the Presiding Administrative Law Judge in the manner set forth in this Docket Entry.

**IT IS SO ORDERED.**

David W. Hadley for D.E.Z.  
David E. Ziegner, Commissioner

Scott R. Storms  
Scott R. Storms, Chief Administrative Law Judge

4/1/03  
Date  
Nancy E. Manley  
Nancy E. Manley, Secretary to the Commission